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EXAMINER	
DONADO, FRANK E	

ART UNIT	PAPER NUMBER
2617	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/567,607	PETROVIC ET AL.	
	Examiner	Art Unit	
	FRANK DONADO	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 September 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-43* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-43* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *08 February 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *02/08/2006 and 03/01/2006*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 35-38 and 41 are objected to because of the following informalities: The dependency of the claim is stated at the end of the claim paragraph. The dependency should be stated at the beginning. For example, Claim 35 should start by saying **"A base station in a mobile communication system as in claim 1, wherein..."** Claims 36-38 and 41 should be corrected, similarly.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless – (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-9, 11-17, 19-32 and 34-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Yoshimura **(US Patent No. 6,754,494)**.

Regarding claim 1, Yoshimura teaches a method for controlling a plurality of base stations in a mobile communication system comprising a communication terminal,

said plurality of base stations and a control unit connected to said plurality of base stations, the communication terminal being in communication with said plurality of base stations during a soft handover, the method comprising the steps of: for each base station of said plurality of base stations, evaluating an uplink channel quality characteristic between said communication terminal and the respective base station, determine the base station having the best uplink channel quality characteristic, selecting the determined base station as the serving base station, and controlling some or all base stations other than the serving base station not to forward data packets received from said communication terminal to said control unit during the soft handover **(A "handover deleting operation" is the method of controlling the base stations not to forward the data packets, where the control unit 211 of Figure 2 is the control unit to which data packet information gets forwarded through frame error rate (FER) information, and signal-to-interference power (SIR) ratio is also a quality channel characteristic that gets evaluated to determine appropriate base station during handover, Column 1, lines 24-29, Column 2, lines 24-32 and Column 5, lines 59-62)**.

Regarding claim 2, Yoshimura teaches the method according to claim 1, further comprising the steps of: receiving a data packet from said communication terminal at said plurality of base stations, checking data integrity of said received data packet at each of said plurality of base stations, and if data integrity of said received data packet was confirmed by a base station controlled to forward said received data packet to said control unit, transmitting said received data packet and/or a control packet from the respective base station to said control unit, wherein the control packet acknowledges the correct reception of said data packet **(A "handover adding process" includes a radio link controller, 303 of Figure 3A, that is part of the**

control unit and makes a decision as to the result of the selection of a "candidate" base station for a particular mobile station. If the result is successful, a matching-oriented table Ui is updated so that the candidate base station now becomes the official base station assigned to the mobile station, and FER information continues to be received by the control unit, Column 10, lines 61-67, Column 11, lines 1-2 and 18-22 and Column 7, lines 22-29).

Regarding claim 3, Yoshimura teaches the method according to claim 1, further comprising the step of: if data integrity of said received data packet was not acknowledged by a base station, transmitting a notification from the respective base station to said control unit, wherein the notification indicates that data integrity of said received data packet was not acknowledged by said respective base station **(The handover deleting process includes a radio link controller, 303 of Figure 3A, that is part of the control unit and makes a decision as to the result of the selection of a "candidate" base station for a particular mobile station. If the result is a failure, a matching-oriented table Ui is updated so that the candidate base station may not become the official base station assigned to the mobile station, and FER information continues to be received by the control unit, Column 10, lines 61-67, Column 11, lines 1-2 and 14-18 and Column 7, lines 22-29).**

Regarding claim 4, Yoshimura teaches the method according to claim 1, further comprising the step of: if data integrity of said received data packet was not acknowledged by said serving base station, transmitting a notification from said serving base station to said control unit, wherein the notification indicates that data integrity of said received data packet was not acknowledged by said serving base station **(The handover deleting process includes a radio**

link controller, 303 of Figure 3A, that is part of the control unit and makes a decision as to the result of the selection of a "candidate" base station for a particular mobile station. If the result is a failure, and the candidate base station has already been retried the maximum number of times, a matching-oriented table Ui is updated so that the candidate base station may not become the official base station assigned to the mobile station, and FER information continues to be received by the control unit, Column 10, lines 61-67, Column 11, lines 1-2, 8-11 and 14-18 and Column 7, lines 22-29).

Regarding claim 5, Yoshimura teaches the method according to claim 4, further comprising the steps of: in response to receiving said notification from said serving base station, said control unit transmitting a status request relating to said received data packet from the other base stations than that selected base station, and receiving status reports relating to said received data packet from said other base stations, wherein said status report indicates whether data integrity of said data packet was confirmed at the respective base station or comprises said received data packet **(The control unit requests FER information. The matching table is used in a matching process that evaluates the FERS's of candidate and other base stations when changes in FER's occur through a learning part unit, Column 11, lines 14-18 and 32-40, Column 7, lines 31-36 and 46-55 and Figure 17).**

Regarding claim 6, Yoshimura teaches the method according to claim 3, wherein said notification and said status report are transmitted to the control unit in at least one frame protocol control frame or by radio network signaling messages over a wired interface **(The control unit receives control signals regarding FER information through a control signal analyzer, Column 7, lines 22-23).**

Regarding claim 7, Yoshimura teaches the method according to claim 1, wherein said step of selecting the serving base station is executed by said control unit **(Control unit 211 of Figure 2 includes the Handover Base Station Selector 302 of Figure 3A)**.

Regarding claim 8, Yoshimura teaches the method according to claim 1, wherein said selection of the serving base station is periodically triggered by a configurable timer **(Steps 804-806 in Figure 8 define the handover adding process being triggered by a timer)**.

Regarding claim 9, Yoshimura teaches the method according to claim 8, wherein said timer value is signaled to said serving base station within a radio link addition function or a combined radio link addition and removal function **(The base station selector 302 of Figure 3A is connected to a Radio Link Controller 303, where both are part of the control unit, the base station selector determines a time variable during which a base station is to be selected, and an addition takes place at step 807 to determine if a threshold has been met, Column 15, lines 46-49 and Figure**

8).

Regarding claim 11, Yoshimura teaches the method according to claim 1, wherein the step of evaluating an uplink channel quality characteristic comprises averaging parameters indicating the uplink channel quality over a configurable time interval **(Taking a weighted average is part of the handover adding process, and these values are taken from time t-n to time t when FER is used as the uplink channel quality characteristic, steps 413-414 in Figure 4 and Column 18, lines 8-11).**

Regarding claim 12, Yoshimura teaches the method according to claim 11, wherein said

time interval is configured by at least one signaling message of a radio resource control protocol or at least one system specific control plane protocol message **(Column 2, lines 41-46)**.

Regarding claim 13, Yoshimura teaches the method according to claim 11, wherein said time interval is selected taking into account the velocity in a movement of said communication terminal, the signaling delay between said control unit and a base station, and the signaling delay between different control units in the mobile communication system **(The handover operation may occur while the mobile terminal is moving, and the method reduces delays in processing times throughout the system by using time-sequential signal quality characteristics, Column 2, lines 19-32)**.

Regarding claim 14, Yoshimura teaches the method according to claim 1,

wherein said control unit transmits a selection command to the new serving base station upon selection **(The control unit selects the best base station during the handover process among several potential base stations, informing the selected base station that it has been selected as the optimum base station by updating the reference table Ui so that it can more easily be selected than the other base stations, Column 3, lines 61-65, Column 5, lines 13-17 and Column 11, lines 19-22)**.

Regarding claim 15, Yoshimura teaches the method according to claim 14, wherein said control unit further transmits the selection command to the previous serving base station **(The control unit selects the best base station during the handover process among several potential base stations, informing the non-optimal base station, in this case being the previous serving base station that it has not been selected as the**

optimum base station by updating the reference table Ui so that it cannot be selected over the optimal base station, Column 3, lines 61-65, Column 5, lines 13-17 and Column 11, lines 24-28).

Regarding claim 16, the method according to claim 14, wherein the selection command indicates an activation time at which the new serving base station should start forwarding the successful received data packets, control packets or notifications to said control unit and at which the previous serving base station should stop forwarding the successfully received data packets, control packets or notifications to said control unit **(The optimal base station knows at the time the table Ui is updated to start forwarding successful received data packets, and the previous base station knows at the time the table Ui is updated to stop forwarding successful received data packets Column 11, lines 19-22 and 24-28).**

Regarding claim 17, the method according to claim 16, wherein the previous serving base station and said control unit negotiate said activation time by exchanging control messages **(The control unit updates the Ui table so the appropriate signals can be sent to the previous serving base station so it does not connect, Column 11, lines 24-28).**

Regarding claim 19, Yoshimura teaches a method for controlling a plurality of base stations in a mobile communication system comprising a communication terminal, said plurality of base stations and a gateway interconnecting said mobile communication network to a fixed communication network, the communication terminal being in communication with said plurality of base stations during a soft handover, the method comprising the steps of: for each base station of said plurality of base stations, evaluating an uplink channel quality characteristic

between said communication terminal and the respective base station, determining the base station having the best uplink channel quality characteristic, selecting the determined base station as the serving base station, and controlling some or all base stations other than the serving base station not to forward data packets received from said communication terminal to said gateway unit during the soft handover **(A "handover deleting operation" is the method of controlling the base stations not to forward the data packets, where the control unit 211 of Figure 2 is the control unit to which data packet information gets forwarded through frame error rate (FER) information, signal-to-interference power (SIR) ratio is also a quality channel characteristic that gets evaluated to determine appropriate base station during handover, and the Base Station Control Device of Figure 2 that contains the control unit 211 serves as the gateway through which optimum signals must pass before approving base stations as optimum ones for specific mobile stations, Column 1, lines 24-29, Column 2, lines 24-32 and Column 5, lines 59-62)**.

Regarding claim 20, Yoshimura teaches the method according to claim 19, further comprising the steps of: receiving a data packet from said communication terminal at said plurality of base stations, checking data integrity of said received data packet at each of said plurality of base stations, and if data integrity of said received data packet was confirmed by a base station controlled to forward said received data packet to said gateway, transmitting said received data packet from the respective
base station to said gateway **(A "handover adding process" includes a radio link controller, 303 of Figure 3A, that is part of the control unit and makes a decision as to the result of the selection of a "candidate" base station for a particular mobile station. If the result is**

successful, a matching-oriented table Ui is updated so that the candidate base station now becomes the official base station assigned to the mobile station, and FER information continues to be received by the control unit, Column 10, lines 61-67, Column 11, lines 1-2 and 18-22 and Column 7, lines 22-29).

Regarding claim 21, he method according to claim 19, further comprising the steps of: if data integrity of said received data packet was not acknowledged by said serving base station, transmitting from said serving base station a status request relating to said received data packet to the other base stations than said serving base station, and receiving status reports relating to said received data packet from said other base stations, wherein said status report indicates whether data integrity of said data packet was confirmed at the respective base station or comprises said received data packet **(The control unit requests FER information. The matching table is used in a matching process that evaluates the FERS's of candidate and other base stations when changes in FER's occur through a learning part unit, Column 11, lines 14-18 and 32-40, Column 7, lines 31-36 and 46-55 and Figure 17)**.

Regarding claim 22, Yoshimura teaches the method according to claim 19, wherein said notification and said status report are transmitted to said serving base station in at least one frame protocol control frame or by radio network signaling messages over a wired interface **(The control unit receives control signals regarding FER information through a control signal analyzer, Column 7, lines 22-23)**.

Regarding claim 23, Yoshimura teaches the method according to claim19, wherein said step of selecting the serving base station is executed by the current serving base station **(Control**

unit 211 of Figure 2 includes the Handover Base Station Selector 302 of Figure 3A that is connected to the current serving base station).

Regarding claim 24, Yoshimura teaches the method according to claim 1,

wherein said uplink channel quality characteristic is determined based on at least one of a path loss for an uplink channel between said communication terminal and the respective base station, closed loop power control commands transmitted by a base station to said communication terminal and uplink interference **(Column 2, lines 25-33)**.

Regarding claim 25, Yoshimura teaches the method according to claim 1, wherein said selection of the serving base station is independent from uplink data channel air interface transmission **(The method takes into account air interference from other transmissions, Column 2, lines 25-33)**.

Regarding claim 26, Yoshimura teaches the method according to claim 19, wherein said selection of the serving base station is periodically triggered by a configurable timer **(Steps 804-806 in Figure 8 define the handover adding process being triggered by a timer)**.

Regarding claim 27, Yoshimura teaches the method according to claim 19, wherein the step of evaluating an uplink channel quality characteristic comprises averaging parameters indicating the uplink channel quality over a configurable time interval **(Taking a weighted average is part of the handover adding process, and these values are taken from time t-n to time t when FER is used as the uplink channel quality characteristic, steps 413-414 in Figure 4 and Column 18, lines 8-11)**.

Regarding claim 28, Yoshimura teaches the method according to claim 27, wherein said time interval is configured by radio resource control signaling or another system specific control plane protocol **(Column 2, lines 41-46)**.

Regarding claim 29, Yoshimura teaches the method according to claim 27, wherein said time interval is selected taking into account the velocity in a movement of said communication terminal, and the signaling delay between at least two base stations of said plurality of base stations **(The handover operation may occur while the mobile terminal is moving, and the method reduces delays in processing times throughout the system by using time-sequential signal quality characteristics, Column 2, lines 19-32)**.

Regarding claim 30, Yoshimura teaches the method according to claim19,-wherein the current serving base station transmits a selection command to the new serving base station upon selection **(The control unit selects the best base station during the handover process among several potential base stations, informing the selected base station that it has been selected as the optimum base station by updating the reference table Ui so that it can more easily be selected than the other base stations, Column 3, lines 61-65, Column 5, lines 13-17 and Column 11, lines 19-22)**.

Regarding claim 31, Yoshimura teaches the method according to claim 30, wherein the selection command indicates an activation time at which the new serving base station should start forwarding the successfully received data packets to a gateway interconnecting the mobile communication network to a fixed communication network, and at which the previous serving base station should stop forwarding the successfully received data packets to the gateway **(The**

optimal base station knows at the time the table Ui is updated to start forwarding successful received data packets, and the previous base station knows at the time the table Ui is updated to stop forwarding successful received data packets Column 11, lines 19-22 and 24-28).

Regarding claim 32, Yoshimura teaches the method according to claim 15, wherein the previous or current serving base station and the new serving base station continue their serving base station functionality in parallel for a predetermined time period **(The about to be connected base station and the current base station and other potential base stations are connected at the same time while the decision is made during the handover, Column 3, lines 61-65 and steps 804-806 in Figure 8 define the handover adding process being triggered by a timer**.

Regarding claim 34, Yoshimura teaches the method according to claim 1, wherein the received data packet is transmitted in at least one frame protocol data frame and the control packet and/or the notification is transmitted in at least one frame protocol control frame **(The control unit receives control signals regarding FER information through a control signal analyzer, Column 7, lines 22-23)**.

Regarding claim 35, Yoshimura teaches a base station in a mobile communication system according to claim 1, wherein a communication terminal is in communication with a plurality of base stations during a soft handover, wherein said base station comprises means for implementing the method **(Column 3, lines 60-65, Column 5, lines 59-62).**

Regarding claim 36, Yoshimura teaches control unit in a mobile communication system

according to claim 1, comprising a communication terminal, a plurality of base stations and said control unit connected to said plurality of base stations, the communication terminal being in communication with said plurality of base stations during a soft handover **(Column 3, lines 60-65, Column 5, lines 59-62)**

Regarding claim 37, Yoshimura teaches a method for signaling uplink quality characteristics from a communication terminal to a control unit in a mobile communication system according to claim 1, comprising the communication terminal, a plurality of base stations and the control unit connected to said plurality of base stations, said communication terminal being in communication with said plurality of base stations during a soft handover **(Column 3, lines 60-65, Column 5, lines 59-62)**.

Regarding claim 38, Yoshimura teaches a method for signaling uplink channel quality characteristics from a communication terminal to a base station in a mobile communication system according to claim 19, comprising the communication terminal and a plurality of base stations, said communication terminal being in communication with said plurality of base stations during a soft handover **(Column 3, lines 60-65, Column 5, lines 59-62).**

Regarding claim 39, Yoshimura teaches the method according to claim 37, wherein said method comprises the steps of: receiving power control commands from said plurality of base stations, for each base station of said plurality of base stations, the communication terminal determining a channel quality characteristic related to each base station based on the power control commands received from the respective base station, and transmitting

said determined channel quality characteristics to said control unit via a base station, wherein said determined channel quality characteristics are considered by said control unit or said serving base station to select a serving base station **(Column 2, lines 23-33, Column 4, lines 9-14 and 24-29 and Figure 10)**.

Regarding claim 40, Yoshimura teaches the method according to claim 39, wherein determining said channel quality characteristic for each base station comprises combining said power commands received from the respective base station over a configurable time period **(Steps 804-806 in Figure 8 define the handover adding process being triggered by a timer)**.

Regarding claim 41, Yoshimura teaches a communication terminal in a mobile communication system according to claim 37, comprising the communication terminal, a plurality of base stations and a control unit connected to said plurality of base stations, the communication terminal being in communication with said plurality of base stations during a soft handover **(Column 3, lines 60-65, Column 5, lines 59-62)**.

Regarding claim 42, Yoshimura teaches a mobile communication system comprising a communication terminal according to claim 41, a plurality of base stations and at least one control unit connected to said plurality of base stations, the communication terminal being in communication with said plurality of base stations during a soft handover, said plurality of base stations comprising at least one base station which comprises a section that implements a method comprising the steps of: for each base station of said plurality of base stations, evaluating an uplink channel quality

characteristic between said communication terminal and the respective base station, determining the base station having the best uplink channel quality characteristic, selecting the determined base station as the serving base station, and controlling some or all base stations other than the serving base station not to forward data packets
received from said communication terminal to said control unit during the soft handover (A **"handover deleting operation" is the method of controlling the base stations not to forward the data packets, where the control unit 211 of Figure 2 is the control unit to which data packet information gets forwarded through frame error rate (FER) information, and signal-to-interference power (SIR) ratio is also a quality channel characteristic that gets evaluated to determine appropriate base station during handover, Column 1, lines 24-29, Column 2, lines 24-32 and Column 5, lines 59-62).**

Regarding claim 43, Yoshimura teaches a mobile communication system comprising a communication terminal according to claim 41 and a plurality of base
stations, the communication terminal being in communication with said plurality of base stations during a soft handover, said plurality of base stations comprising at least one base station which comprises a section that implements a method comprising the
steps of: for each base station of said plurality of base stations, evaluating an uplink channel quality characteristic between said communication terminal and the respective base station, determining the base station having the best uplink channel quality characteristic, selecting the determined base station as the serving base station, and controlling some or all base stations other than the serving base station not to forward data packets received from said communication terminal to said control unit during the soft handover (**A "handover deleting operation" is the**

method of controlling the base stations not to forward the data packets, where the control unit 211 of Figure 2 is the control unit to which data packet information gets forwarded through frame error rate (FER) information, and signal-to-interference power (SIR) ratio is also a quality channel characteristic that gets evaluated to determine appropriate base station during handover, Column 1, lines 24-29, Column 2, lines 24-32 and Column 5, lines 59-62).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 10, 18 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshimura, in view of Johansson, et al **(US PG Publication 2002/0072370)**. From now on, Johansson, et al, will be referred to as Johansson.

Regarding claim 10, Yoshimura teaches the method according to claim 8. Yoshimura does not teach said timer value is signaled to said serving base station in an information element of an NBAP or RNSAP radio link setup request message. Johansson teaches base station selection method during soft handover that includes a timer value that is signaled to said serving base station in an information element of an NBAP or RNSAP radio link setup request message **(Paragraph 36, lines 1-3 and Paragraph 47)**. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Yoshimura to incorporate a timer value in an information element of an NBAP radio link setup request message for the benefit of increased efficiency.

Regarding claim 18, Yoshimura teaches the method according to claim 17. Yoshimura fails to teach said control message is one of a radio link reconfiguration message, an activation time negotiation request message, and an activation time confirmation message of NBAP or RNSAP protocols. Johansson teaches control message is one of a radio link reconfiguration message, an activation time negotiation request message, and an activation time confirmation message of NBAP protocols **(Paragraph 36, lines 1-3 and Paragraph 47).** It would have been

obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Yoshimura to incorporate a timer value in an information element of an NBAP radio link setup request message for the benefit of increased efficiency.

Regarding claim 33, Yoshimura teaches the method according to claim 14. Yoshimura fails to teach the selection command is transmitted in an information element of NBAP or RNSAP message. Johansson teaches the selection command is transmitted in an information element of NBAP or RNSAP message. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Yoshimura to incorporate a timer value in an information element of an NBAP radio link setup request message for the benefit of increased efficiency.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US PG Publication 2003/0007470 refers to a method and apparatus for time-aligning transmission from multiple base stations in a cdma communications system.

US PG Publication 2002/0006805 refers to a method and apparatus for performing idle mode reacquisition and handoff in an asynchronous communication system.

US Patent No. 6,801,512 refers to a method and apparatus for providing a distributed architecture digital wireless communication system.

US Patent No. 5,867,791 refers to an uplink macro diversity method and apparatus in a digital mobile radio communication system.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANK DONADO whose telephone number is (571) 270-5361. The examiner can normally be reached on Monday-Thursday, 8 am-5 pm and at the same time on alternate Fridays, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rafael Perez-Gutierrez can be reached on 571-272-7915. The fax phone number for the organization where this application or proceeding is assigned is 571-270-6361.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-273-8300.

/Frank Donado/
Art Unit 2617

/Rafael Pérez-Gutiérrez/
Supervisory Patent Examiner, Art Unit 2617